

REMARKS

Claims 1-5, 7-17, and 29-32 are pending. Claims 1-2, 4-5, 7-9, 11-17, and 29-32 have been amended. No new matter has been added.

Restriction Requirement

As is clear from Applicant's November 14, 2005 response, Applicants do not agree with the restriction between Group I, claims 1-5 and 7-17, and Group II, claims 29-32. That restriction was traversed, and it appears that Applicant's arguments have been accepted. Thus, claims 1-5, 7-17 and 29-32 are pending.

Objection

Claim 11 is objected to for containing a typographical error. Appropriate correction has been made herein. Thus, Applicant respectfully requests reconsideration and withdrawal of the objection.

Rejection under 35 USC §112

Claims 1, 2, 4, 5, 8, 9, 11, 13, 14, and 29-32 were rejected under 35 USC §112, second paragraph. The claims have been amended herein to better clarify the language of the claims and to address the objectionable language. Thus, Applicant respectfully requests that the rejection be reconsidered and withdrawn.

Rejections under 35 U.S.C. §103(a)

Claims 1-5, 8-17, and 29-32 have been rejected as being obvious over US Patent No. 4,881,179 to Vincent (Vincent) in view of US Patent No. 6,369,840 to Barnett et al. (Barnett) under 35 USC §103(a). In light of the amendments to the claims and the remarks below, Applicant respectfully requests reconsideration and withdrawal of the rejection.

With respect to amended claim 1, the cited references, individually or in combination, do not teach or suggest a computer implemented method comprising receiving an input for a first of a plurality of time-slots of a first party's calendar from a second party, the first and second parties being different parties, and the second party being associated with a group affiliation or a user type or both, and the group affiliation or user type or both having a plurality of access privileges for the time-slots of the first party's calendar, wherein the plurality of access privileges are defined for specific time-slots; and processing said received input in accordance with the access privilege of the second party's associated group affiliation or user type or both for the first time-slot.

Vincent discloses a calendaring system in which various security levels may be defined based on the desired security levels of various events. There is no teaching or suggestion of the above discussed time-slot based calendaring method.

In particular, Vincent does not teach or suggest defining access privileges based on specific time-slots as recited in claim 1. Instead, Vincent defines access based on an event security level. Claim 1 thus provides a novel method in which the access privileges for one or more parties may be defined specifically based on specific time-slots. In this manner, a user may control access to his/her calendar during the specific time-slots without regard for the particular type of event being read or written to those time-slots.

The method of claim 1 thus allows for the creation of communities connected through the calendar and, in part, based on the defined time-slots. An example of such a community provided in the specification is for students and teachers, in which a student may grant a teacher access privileges only during the school hours. Embodiments of the present invention further provide for duration control and event-specific control, but a defining feature of claim 1 is time-slot based control of access privileges.

Barnett teaches the creation of group calendars in which the members of the group may read/write to the calendar and different levels of access may be provided to each member. However, Barnett does not teach or suggest defining those access privileges based on specific time-slots as recited in claim 1. Barnett is cited for teaching the group calendar creation, but such a teaching merely provides for access to other calendars within a group. The “levels of access” are not well-defined, and only provide for event-based access, similar to that described in Vincent.

Both Vincent and Barnett teach the concept of event-based access to a shared calendar. In these references, as long as the access privilege of the user and the access level of the event match, the user will gain access to read/write to the event whenever that event occurs, or whenever that party wants to add that event to the calendar. There is also teaching of the provision of blanket access to a shared calendar.

However, neither reference teaches or suggests a time-slot based privilege. As mentioned above, such a provision, as recited in claim 1, provides a function not taught or suggested by the cited references. Namely, claim 1 allows for an access privilege to be provided to a user for one or more time-slots. Such a system allows for granular control of an individual’s calendar and avoids having events scheduled outside the time-slots the user deems acceptable for various individuals to schedule events. Meanwhile, claim 1 provides for open access to the specified time-slots to those users granted access (absent further restrictions based on type of events, etc.).

As such, Vincent and Barnett, individually or in combination, do not teach or suggest the features of claim 1 as discussed above. Therefore, when viewed as a whole, claim 1 is patentable over Vincent and Barnett, individually or in combination.

Independent claims 4, 8, 29, and 31 include in substance the same recitation as described above for claim 1. Thus, for at least the above stated reasons, claims 4, 8, 29, and 31 are not obvious and are patentable over the Office Action's proposed combination of Vincent and Barnett.

Claims 2-3, 5, 9-17, 30, and 32 depend, directly or indirectly, from either claim 1, 4, 8, 29, or 31, incorporating their limitations. Therefore, for at least the same reasons discussed above, claims 2-3, 5, 9-17, 30, and 32 are patentable over the combination of Vincent and Barnett.

Claim 7 is rejected as being obvious over US Patent No. 4,881,179 to Vincent (Vincent) in view of US Patent No. 6,369,840 to Barnett et al. (Barnett) and further in view of US Patent No. 5,930,801 to Falkenhainer (Falkenhainer) under 35 USC §103(a). In light of the amendments to the claims and the remarks below, Applicant respectfully requests reconsideration and withdrawal of the rejection.

Claim 7 depends from claim 4, incorporating its limitations. Therefore, for at least the same reasons discussed above, claim 7 is patentable over the combination of Vincent and Barnett. Falkenhainer fails to overcome the deficiencies of Vincent and Barnett. Thus, claim 7 is patentable over the combination of Vincent, Barnett, and Falkenhainer.

In particular, Falkenhainer was cited for teaching access privilege with a write function. The cited portion of the reference reads "In the present context, an 'object' associated with a file in file system 12 is a set of metadata, or in other words, a field or string of data, which describes the access properties (read and/or write permissions), hierarchical relations, and other properties of the file." Such a description does not teach providing access privileges that include an ability of

writing an entry into a first time-slot and an ability of viewing an entry in the first time-slot, as recited in claim 7.

Furthermore, the Office Action fails to provide any motivation to combine the cited references. There is merely a conclusory statement that “[i]t would have been obvious to a person of ordinary skill in the art at the time the invention was made to apply Falkenhainer’s teaching of access privilege with an ability of writing to Vincent’s system in order to prevent [a] non-authority user to modify an owner’s calendar without permission.” Thus, the Office Action fails to establish a *prima facie* case of obviousness.

A teaching or suggestion to make the combination recited in the claims must be found in the prior art. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). In fact, none of Vincent, Barnett, or Falkenhainer provide a motivation to combine.

Further, rejections based on 35 USC §103(a) must have a factual basis. *In re Warner*, 379 F.2d 1011, 1017, 154 USPQ 173, 177-178 (CCPA 1967). In making such a rejection, an examiner has the duty of supplying the requisite factual basis and may not resort to speculation, unfounded assumptions, or hindsight reconstruction to supply deficiencies in the factual basis.

The motivation stated in the Office Action is lacking in any factual basis and merely states a hindsight justification for the present invention being made. A statement that one would have been motivated to make the combination cited in the Office Action because such a combination would prevent unauthorized users from modifying an owner’s calendar simply states a purpose of the present invention. At no point, does the Office Action provide any indication of where one would find such motivation. For this additional reason, claim 7 is patentable over the combination of Vincent, Barnett, and Falkenhainer.

Application Number: 09/872,686
Attorney Docket No. 112076-138340
P021

Patent

Conclusion

Applicant respectfully asserts that claims 1-5, 7-17, and 29-32 are in condition for allowance. Entry of the foregoing is respectfully requested and a Notice of Allowance is earnestly solicited.

Please charge any shortages and credit any overages to Deposit Account No. 500393.

Respectfully submitted,
SCHWABE, WILLIAMSON & WYATT, P.C.

Dated: May 16, 2006

A handwritten signature in dark ink, appearing to read "Steven Prewitt", is written over a horizontal line.

Steven J. Prewitt
Reg. No. 45,023

Pacwest Center, Suites 1600-1900
1211 SW Fifth Avenue
Portland, Oregon 97204
Telephone: 503-222-9981